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EXAMINER
ISABELLA, D

33N1/0821

ART UNIT	PAPER NUMBER
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WOLF GREENFIELD AND SACKS
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3308

DATE MAILED: 08/21/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5/27/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 48-64, 73-76 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1-47, 65-72 have been cancelled.

3. ☒ Claims 48, 52, 55-59, 61, 63, 74-76 are allowed.

4. ☒ Claims 49-50, 53, 54, 60, 64, 73 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3308

Claim Rejections - 35 USC § 112

1. Claims 49,50,51,53,54,60,64,73 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49, recitation of "the cartridge" is indefinite by itself. The common meaning of the term is not consistent with the manner the device is utilized as presently claimed.

Applicant should recite structural elements that comprise the cartridge.

Claim 50, there is no structure recited which provides the opening as claimed.

Claim 51, should recite that the cartridge includes a surface forming a base to which the ... seatable.

Claim 53, should recite that a top surface extends from... sidewall.

Claim 54, what elements or structure define the "door"?

Claim 60, it is not clear if the shaft is the advancing means?

Claim 64 fails to provide a nexus between the elements as claimed.

Claim 73, there is no structure recited that further defines the distal end to perform the intended function.

Serial Number: 08/250657

-3-

Art Unit: 3308

Allowable Subject Matter

2. Claims 49,50,51,53,54,60,64,73 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 .
3. Claims 48,52,55-59,61,-63,74-76 allowable over the prior art of record.

Any inquiry concerning this communication should be directed to DAVID J ISABELLA at telephone number (703)308-3060.


DAVID J ISABELLA
PRIMARY EXAMINER

DJI
August 17, 1995